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**UNITED STATES DISTRICT COURT
EAST DISTRICT OF NEW YORK**

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TONG KU KIANG,

Plaintiff(s),

-against-

Docket No.: 18-cv-05256

YUMMY ORIENTAL RESTAURANT, INC.
d/b/a Yummy Oriental,
ORIENTAL PORT WAHSHINGTON, INC.
d/b/a Yummy Oriental,
YUMMY PORT WASHINGTON RESTAURANT, INC.
d/b/a Yummy Oriental,
TONG HOWE TAN, and
KOK HOBI LOOI,

Defendant(s).

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**DECLARATION OF KEVIN TUNG IN SUPPORT OF DEFENDANTS'
CROSS MOTION FOR SUMMARY JUDGMENT AND IN OPPOSITION TO
PLAINTIFF'S MOTION TO SUMMARY JUDGMENT**

Kevin K. Tung, Esq., an attorney duly admitted to practice law before this Court, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746(2) that the following statements are true and correct:

1. I represent the Defendants Yummy Oriental Restaurant, Inc., Oriental Port Washington Restaurant, Inc., Yummy Port Washington Restaurant, Inc. ("Yummy") and its owner Tong Howe Tan ("Tan") in the above-entitled action. As such, I am familiar with the file, records

and pleadings in this action.

2. I hereby make this declaration in support of Defendants' Cross Motion for Summary Judgment against the Plaintiffs pursuant to Rule 12(b) and Rule 56 of Federal Rules of Civil Procedure, and in opposition to Plaintiff's Motion for Summary Judgment.

3. This action was commenced against the foregoing Defendants for violation of FLSA and NYLL.

4. Plaintiff Tong Fu Kiang commenced this action by filing Summons and Complaint in East District of New York on September 18, 2018. Later on, Plaintiff Gang Qiu joined the case as a co-plaintiff alleging the same claims against Defendants on September 2, 2019.

5. Plaintiffs filed the Motion for Summary Judgment on April 10, 2020.

5. The Memorandum of Law in Support Defendants' Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment by the Defendants and the relevant exhibits are attached in this Declaration.

WHEREFORE, Defendants request that Defendants' Cross Motion for Summary Judgment against Plaintiffs be granted and Plaintiff's Motion for Summary Judgment to be denied.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: May 1, 2020

/s/ Kevin Tung

Kevin K. Tung, Esq.

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